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2021 MAY 19 PM 2:21
CLERK
U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BENJAMIN ARCHULETA-ALLODIAL,

Plaintiff,

v.

**STATE OF UTAH, JOHN L. BAXTER
and KEVEN ROSSETTI,**

Defendants.

REPORT & RECOMMENDATION

Case No: 2:19-cv-00065

District Judge Jill N. Parrish

Magistrate Judge Dustin B. Pead

On April 29, 2021, this Court conducted a review of pro se Plaintiff Benjamin Archuleta-Allodial's complaint pursuant to 28 U.S.C. § 1915. (ECF No. 6.) As part of that review, the Court afforded Plaintiff an opportunity to file an amended pleading in compliance with the requirements of Rule 8 of the Federal Rule of Civil Procedure. *See* Fed. R. Civ. P. 8. The Court allowed Plaintiff until May 13, 2021, within which to file an amended complaint, and warned that a failure to do so could result in a recommendation of dismissal to the District Court. A copy of the Court's April ruling was mailed to Plaintiff, through the United States Postal Service, at the address Plaintiff provided to the Court. (ECF No. 6, Notice of Delivery.)

As of this date, Plaintiff has not filed an amended complaint and the time within which to do so has expired. On May 12, 2021, the Court received Notice that the copy of the April Order mailed to Plaintiff had been returned as undeliverable with no forwarding address. (ECF No. 7.) Under the local rules, a party proceeding pro se is required to immediately notify the Clerk's Office in writing of any name, mailing address, or email address changes. *See* DUCivR 83-1.7 (conduct of an unrepresented party).

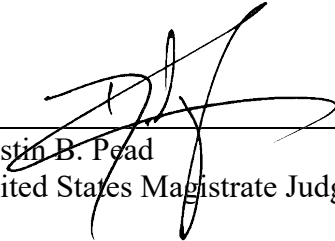
RECOMMENDATION

Accordingly, for the reasons stated in the Court's April Order, the Court hereby recommends to the District Court that Plaintiff's action be dismissed for failure to state a claim. *See* 28 U.S.C. § 1915(e)(2)(B)(i)(ii); Fed. R. Civ. P. 12(b)(6); Fed. R. Civ. P. 8.

Copies of this Report and Recommendation are being sent to all parties, who are hereby notified of their right to object. *See* 28 U.S.C. §636(b)(1), Fed. R. Civ. P. 72(b). The parties must file an objection to this Report and Recommendation within fourteen (14) days after receiving it. *Id.* Failure to object may constitute a waiver of objections upon subsequent review.

IT IS SO ORDERED.

DATED this 19 May 2021.



Dustin B. Pead
United States Magistrate Judge